



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.6.2007
COM(2007) 353 final

RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL

**for a letter to be signed and sent to the Presidency of the Andean Community to initiate
an “exchange of letters amending the Political Dialogue and Cooperation Agreement
between the European Community and the Andean Community signed in 2003”**

1. EXPLANATORY MEMORANDUM

1. The "Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Andean Community and its member countries (Bolivia, Colombia, Ecuador, Peru and Venezuela), of the other part" was signed in Rome on 15 December 2003. The Agreement has not yet entered into force, as it has not been ratified by certain countries.
2. In April 2006 Venezuela, a member country of the Andean Community when the above-mentioned Agreement was signed, declared that it was going to withdraw from the Andean regional bloc. This information has been officially confirmed by the Presidency of the Andean Community (through a letter from the Bolivian Minister for Foreign Affairs of 20 November 2006) and by Venezuela itself (through a letter from the Venezuelan Minister for Foreign Affairs of 18 December 2006); on the same occasion, Venezuela confirmed the withdrawal of its signature from the above-mentioned 2003 Political Dialogue and Cooperation Agreement.
3. In the light of these documents, the Legal Services of the Commission and of the Council of the European Union concluded that Venezuela was no longer signatory to the Agreement, which would need to be formally amended through an exchange of letters. At the meeting on 20 February 2007 of the Latin America Working Group (AMLAT), the Council Presidency therefore called on the Commission to put forward a proposal for such an amendment.

2. RECOMMENDATION

In the light of the above, the Commission recommends to the Council to sign the attached draft letter and send it to the Presidency of the Andean Community in order to initiate the "exchange of letters between the European Community and the Andean Community to agree on the deletion of references to Venezuela from the text of the Agreement".

ANNEX

DRAFT LETTER

TO INITIATE AN EXCHANGE OF LETTERS BETWEEN THE EUROPEAN COMMUNITY AND THE ANDEAN COMMUNITY ON VENEZUELA'S WITHDRAWAL FROM THE ANDEAN COMMUNITY AND THE POLITICAL DIALOGUE AND COOPERATION AGREEMENT SIGNED IN 2003

(Letter to the Presidency of the Andean Community)

Sir,

The European Community thanks the Presidency of the Andean Community for its letter No GM-419/2006-15949 of 20 November 2006 concerning Venezuela's withdrawal from the Andean Community. We would also inform you that we have received Note No 1652 from the Venezuelan Ministry of External Relations dated 18 December 2006 also confirming Venezuela's withdrawal from the Political Dialogue and Cooperation Agreement between the European Community and the Andean Community signed in Rome on 15 December 2003.

In the light of these documents and the legal instruments to which they refer (in particular Case 145-AI-2005 of the Court of Justice of the Andean Community), the European Community considers that Venezuela is no longer a party to Political Dialogue and Cooperation Agreement signed in 2003.

Consequently, the European Community proposes that references to Venezuela in the Agreement be deleted. This will involve the following amendments:

Page 1, Title:

*"POLITICAL DIALOGUE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES OF THE ONE PART,
AND THE ANDEAN COMMUNITY AND ITS MEMBER COUNTRIES (BOLIVIA, COLOMBIA, ECUADOR, PERU AND VENEZUELA), OF THE OTHER PART"*

should be amended as follows:

*"POLITICAL DIALOGUE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES OF THE ONE PART,
AND THE ANDEAN COMMUNITY AND ITS MEMBER COUNTRIES (BOLIVIA, COLOMBIA, ECUADOR AND PERU), OF THE OTHER PART"*

Page 4, the reference to *"THE BOLIVARIAN REPUBLIC OF VENEZUELA"* should be deleted.

Page 65, Article 59:

"This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, and, on the other hand, to the territories of the Andean Community and its Member countries (Bolivia, Colombia, Ecuador, Peru and Venezuela)."

should be amended as follows :

"This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, and, on the other hand, to the territories of the Andean Community and its Member countries (Bolivia, Colombia, Ecuador and Peru)."»

I would be grateful if you would confirm the Andean Community's acceptance of the above amendments. If the Andean Community agrees to the amendments, the European Community proposes that this take the form of an exchange of letters.

Yours faithfully,

Signature :

Presidency of the Council of the European Union